

Audra M. Mori (State Bar No. 162850)  
Katherine M. Dugdale (State Bar No. 168014)  
Jennifer N. Chiarelli (State Bar No. 212253)  
PERKINS COIE LLP  
1620 26<sup>th</sup> Street, Sixth Floor – South Tower  
Santa Monica, California 90404  
Tel: (310) 788-9900; Fax: (310) 788-3399

\*\*E-filed 3/27/06\*\*

Attorneys for Plaintiff MICROSOFT CORPORATION

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

MICROSOFT CORPORATION, a Washington  
corporation,

Plaintiff,

v.

SUNCREST ENTERPRISE, a California  
corporation; and YI-LING CHEN, an individual  
a/k/a EILEEN CHEN,

Defendants.

CASE NO. 03-CV-5424-JF/HRL

STIPULATION TO CONTINUE  
PRETRIAL CONFERENCE PENDING  
RESOLUTION OF THE PARTIES'  
MOTIONS FOR SUMMARY  
JUDGMENT; [PROPOSED] ORDER

SUNCREST ENTERPRISE, INC., a California  
corporation,

Third Party Claimant,

v.

M-PLUS INTERNATIONAL TECHNOLOGY,  
INC., a California corporation; SIMON PL YU,  
an individual; and AILEEN Y. JIN, an  
individual,

Cross-Defendants.

///

STIPULATION TO CONTINUE PRETRIAL CONFERENCE  
CASE NO. 03-CV-5424-JF/HRL

1 The parties, by and through their attorneys of record, request that the Court accept the  
2 parties' Stipulation to Continue the Pretrial Conference Pending Resolution of the Parties' Motions  
3 for Summary Judgment.

4 On February 13, 2006, the Court ordered that the motion hearing cut-off be set for March  
5 31, 2006, the Pretrial Conference be set for April 14, 2006, and Trial be set for May 28, 2006.<sup>1</sup>  
6 The basis for setting the afore-mentioned dates was to allow the Court time to rule on any motions  
7 for summary judgment prior to the Pretrial Conference.

8 The hearings on Plaintiff Microsoft Corporation's ("Microsoft") and Defendants Suncrest  
9 Enterprise and Yi-Ling Chen a/k/a Eileen Chen's (collectively, "Defendants") respective motions  
10 for summary judgment are scheduled for March 31, 2006. Pursuant to the Court's Standing Order  
11 re Pretrial Preparation, which became effective on February 24, 2006, the parties are required to  
12 meet and confer regarding the preparation of the Joint Pretrial Conference Statement at least  
13 twenty days before the Pretrial Conference. The parties are also required to file the Joint Pretrial  
14 Conference Statement not less than ten court days prior to the Pretrial Conference. As currently  
15 scheduled, the parties will be required to file their Joint Pretrial Conference Statement on March  
16 31, 2006, the same day as the hearing on the parties' motions for summary judgment. Depending  
17 on the Court's ruling on the parties' motions for summary judgment, the factual and legal issues to  
18 be set forth in the Joint Pretrial Conference Statement could change significantly. Alternatively,  
19 resolution of the parties' motions for summary judgment could altogether eliminate the need for  
20 preparing a filing a Joint Pretrial Conference Statement.

21 The parties therefore request a continuance of the Pretrial Conference until May 12, 2006  
22 so the Court may rule on the parties' respective motions for summary judgment before the parties  
23 prepare their Joint Pretrial Conference Statement. Continuing the Pretrial Conference date will  
24 allow the parties to avoid the cost and expense of preparing the Pretrial Conference Statement in  
25 the event the Court grants summary judgment, or allow the parties to prepare their Joint Pretrial  
26

27  
28 <sup>1</sup> The Court later moved the trial date to May 26, 2006.

1 Conference Statement only with respect to the factual and/or legal issues remaining after the ruling  
2 on the summary judgment motions. A continuance will also conserve the Court's time and  
3 resources that would be expended reviewing a potentially superfluous Joint Pretrial Conference  
4 Statement.

5 The parties hereby request the Court continue the Pretrial Conference from April 14, 2006  
6 to May 12, 2006.

7 **IT IS SO STIPULATED:**

8 DATED: March 23, 2006

PERKINS COIE LLP

9  
10 By: 

Jennifer N. Chiarelli  
Attorneys for Plaintiff

MICROSOFT CORPORATION

11  
12 DATED: March \_\_, 2006

GORMAN & MILLER, P.C.

13  
14 By: \_\_\_\_\_

John C. Gorman  
Attorneys for Defendants  
SUNCREST ENTERPRISE and YI-LING  
CHEN a/k/a EILEEN CHEN

15  
16  
17 DATED: March \_\_, 2006

SHAWN T. LEUTHOLD

18  
19 By: \_\_\_\_\_

Shawn T. Leuthold  
Attorneys for Cross-Defendants  
M-PLUS INTERNATIONAL  
TECHNOLOGY, INC., SIMON PL YU, and  
AILEEN Y. JIN

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21  
22  
23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24 The Pretrial Conference is continued from April 14, 2006 to May 12, 2006.

25  
26 Dated: March 27, 2006

  
HON. JEREMY FOGEL  
United States District Judge

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8 DATED: March \_\_\_, 2006

PERKINS COIE LLP

9 By: \_\_\_\_\_

10 Jennifer N. Chiarelli  
11 Attorneys for Plaintiff  
MICROSOFT CORPORATION

12 DATED: March 23, 2006

GORMAN & MILLER, P.C.

13 By: \_\_\_\_\_  
14 

15 John C. Gorman  
16 Attorneys for Defendants  
SUNCREST ENTERPRISE and YI-LING  
CHEN a/k/a EILEEN CHEN

17 DATED: March \_\_\_, 2006

SHAWN T. LEUTHOLD

18 By: \_\_\_\_\_  
19

20 Shawn T. Leuthold  
21 Attorneys for Cross-Defendants  
22 M-PLUS INTERNATIONAL  
23 TECHNOLOGY, INC., SIMON PL YU, and  
24 AILEEN Y. JIN

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United States District Judge

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PERKINS COIE LLP

9 By: \_\_\_\_\_

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11 Attorneys for Plaintiff  
MICROSOFT CORPORATION

12 DATED: March \_\_\_, 2006

GORMAN & MILLER, P.C.

14 By: \_\_\_\_\_

15 John C. Gorman  
16 Attorneys for Defendants  
SUNCREST ENTERPRISE and YI-LING  
CHEN a/k/a EILEEN CHEN

17 DATED: March 23, 2006

SHAWN T. LEUTHOLD

19 By: 

20 Shawn T. Leuthold  
21 Attorneys for Cross-Defendants  
22 M-PLUS INTERNATIONAL  
TECHNOLOGY, INC., SIMON PL YU, and  
AILEEN Y. JIN

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26 Dated: March \_\_\_, 2006

27 HON. JEREMY FOGEL  
United States District Judge

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am and was at all times herein mentioned employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action or proceeding. My business address is 1620 26<sup>th</sup> Street, Sixth Floor, Santa Monica, California 90404.

On March 23, 2006, I served a true copy of **STIPULATION TO CONTINUE PRETRIAL CONFERENCE PENDING RESOLUTION OF THE PARTIES' MOTIONS FOR SUMMARY JUDGMENT; [PROPOSED] ORDER** on the interested parties in this action by placing said document enclosed in a sealed envelope (for collection and mailing, with postage thereon fully prepaid, on the same date, following ordinary business practices) in an internal collection basket, addressed as follows:

<b>John C. Gorman</b> <b>Craig Alan Hansen</b> <b>GORMAN &amp; MILLER, P.C.</b> <b>210 North Fourth Street, Suite 200</b> <b>San Jose, CA 95112</b> <b>Telephone: (408) 297-2222</b> <b>Facsimile: (408) 297-2224</b>	<b>Attorneys for Defendant/Cross-Claimant SUNCREST ENTERPRISE, INC. and Defendant YI-LING CHEN</b>
<b>Shawn T. Leuthold</b> <b>Law Office of Shawn T. Leuthold</b> <b>1671 The Alameda, Suite 309</b> <b>San Jose, CA 95126</b> <b>Telephone: (408) 924-0132</b> <b>Facsimile: (408) 924-0134</b>	<b>Attorneys for Cross-Defendants SIMON P. YU, AILEEN Y. JIN and M-PLUS INTERNATIONAL TECHNOLOGY (dba Microplus International Technology)</b>

☒ **BY MAIL**) I am readily familiar with this business's practices concerning collection and processing of correspondence for mailing with the United States Postal Service, and declare that correspondence is deposited with the United States Postal Service on the same day it is internally collected at Perkins Coie LLP in the ordinary course of business.

☐ **(BY HAND DELIVERY)** I caused each envelope to be delivered by hand to the offices listed above..

☐ **(BY OVERNIGHT)** I caused each envelope, with postage fully prepaid, to be sent by DHL Express.

1 [ ] **(BY E-MAIL)** I served a true copy of on the interested parties in this action by  
2 email, addressed as follows:

3 [ ] **(BY FACSIMILE/TELECOPY)** I caused each document *as a courtesy copy* to be  
4 sent by Automatic Facsimile/Telecopier to the number(s) indicated above.

5 [ ] **(STATE)** I declare under penalty of perjury under the laws of the State of  
6 California that the above is true and correct.

7 [XX] **(FEDERAL)** I declare that I am employed in the office of a member of the bar of  
8 this court at whose direction the service was made.

9 Executed on March 23, 2006, at Santa Monica, California.

10 /s/ \_\_\_\_\_  
11 SANAYE KUMAGAI  
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